PLANNING SERVICE

A CODE OF PRACTICE

How Members and Officers deal with Planning Applications

Conditions

1. (see note 7c)
2. (see note 7c)
3. (see note 7c)

Extension of Time (see note 7b)
Do you consent to the extension of the pre

Statement
This notice is given in relation to the building is accompanied by the appropriate fee. Fund local authority.

Name:
Introduction

The Planning System involves taking decisions about the use and development of land in the wider public interest having regard, in particular, to the Development Plan.

The Local Government Association has recommended that Planning Authorities should agree a Local Code of Practice to guide Elected Members, Officers and Developers in the way they go about their business.

This leaflet summarises the main contents of this Code.

Role of Elected Members

Elected Members determine the Council’s planning policy. When Elected Members come to make a decision on a planning application they will:

• ACT fairly and openly
• APPROACH each application with an open mind
• CAREFULLY weigh up all relevant issues
• DETERMINE each application on its own merits
• AVOID undue contact with interested parties
• ENSURE that the reasons for their decisions are clearly stated.

In cases where applications are determined by the Council’s Development Control Manager under delegated powers, he/she will adopt the same approach required of Members.

Role of Officers

The Officers’ function is to advise and assist Members in matters of planning policy and in their determination of planning applications by:

• PROVIDING impartial and professional advice
• MAKING SURE that all the information necessary for the decision to be made is given
• PROVIDING a clear and accurate analysis of the issues
• SETTING the application against the broader Development Plan policies and all other material considerations
• GIVING a clear recommendation
• CARRYING OUT the decisions of Councillors in Committee.

It is quite common for applicants or other interested parties to wish to discuss a proposed development with Elected Members before a planning application is determined.

This can help Members’ understanding of the issues and concerns associated with an application. However, to avoid compromising their position before they have received all the relevant information, Members will:

• AVOID as far as possible meeting an applicant or potential applicant alone
• AVOID making it known in advance whether they support or oppose the proposal
• RESTRICT their response to giving procedural advice
• NOT PRESSURISE Officers to make a particular recommendation in their report
• DIRECT lobbyists or objectors to planning officers, who will include reference to their opinions where relevant in their report
• ADVISE the Development Control Manager or the Chairman of the Development Control Committee of the existence of any lobbying interests.
Conflict of Interests

Where a Member feels that his/her impartiality has been compromised he/she will need to decide whether to declare a non-pecuniary interest and withdraw from the decision making process.

Membership of another committee of the Council which has expressed a view on an application does not by itself give rise to a conflict provided that the Member retains an impartial viewpoint.

Discussions with Potential Applicants

Pre-application meetings with potential applicants are encouraged. But to avoid them being misunderstood they will normally be at Officer level and:

- **WHERE** they involve Elected Members they will be at a forum prescribed for the purpose
- **POTENTIALLY** contentious meetings will be attended by at least one officer including the Development Control Manager or his representative
- **A NOTE** of the discussion will be taken and placed on file and made available for public inspection at the appropriate time
- **IT WILL BE MADE CLEAR** at such meetings that only personal and provisional views based upon the Development Plan can be given and no decisions can be made which would bind or otherwise compromise the Development Control Committee.

Decisions Contrary to Officer Recommendation

From time to time Members of the Development Control Committee will disagree with the professional advice given by the Development Control Manager. In such cases, the reasons for rejecting an Officer’s recommendation will be clearly stated and recorded in the minutes of the meeting. Where an appeal arises against such a decision, officers will give support to the relevant committee in preparing evidence for the appeal.

Site Visits

Site visits can be useful to identify features of a proposal which may be difficult to convey in a written report, but site visits may delay the decision on an application.

The applicant will be notified in advance of any visit. Site visits are:

- **FACT** finding exercises
- **NOT PART** of the formal consideration of the application and therefore public rights of attendance do not apply
- **TO ENABLE** officers to point out relevant features
- **TO ENABLE** questions to be asked on site for clarification. However, discussion on the application will only take place at the subsequent Committee as all relevant parties may not be in attendance on site.
Planning Applications by Councillors or Officers of the Council

When a Councillor or officer of the Council's Department of Environment & Regeneration either submits a planning application (as agent or applicant) or makes written representations for or against any planning application, that member or officer will:

- Inform the Development Control Manager and the Council's Monitoring Officer
- Take no part in processing or determining the application

The Development Control Manager will ensure that all such applications are determined at the Development Control Committee meetings and not under delegated powers.

Planning Applications by the Council

The Council itself requires planning permission to carry out or authorise development on land it owns.

These applications will be treated in the same way as those from private applicants.

References to Development Control Committee

Where a planning application would normally be determined by the Development Control Manager under delegated powers but a Member of the Council submits a request that it be determined by Members, it will be referred to the Development Control Committee for determination.

Complaints

Any issues or concerns arising from this Code of Practice can be raised with the Chairman of Development Control Committee or the Development Control Manager.

The Development Control Manager can be contacted on 01582 546305, e-mail developmentcontrol@luton.gov.uk

The Council's Monitoring Officer is the Head of Legal Services who can be contacted on 01582 546020.

Issues of maladministration can be referred to the Local Government Ombudsman who can be contacted at:

Local Government Ombudsman
The Oaks No.2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB
(Tel. 02476 695999)

This document about How Members and Officers available in a range of languages, large print, Braille, on tape, electronic versions deal with Planning Applications, can be made accessible formats from the Development Control Group
Tel 01582 546605
Fax 01582 546529
Minicom/textphone 01582 546327

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Department of Environment & Regeneration
Luton Borough Council 11/01